

REMARKS

In response to the Restriction Requirement dated May 3, 2006, Applicant hereby elects Group I with traverse. The Examiner states that while the inventions of Group I are processes, the inventions of Groups II-VI are products and that the claimed products are not specifically used or otherwise involved in the processes of Group I. Further, the Examiner submits that although the claimed inventions of Group I and Group II are related as processes and products of use, the inventions of the two groups are patentably distinct and examination of the inventions of both groups would impose serious burden. The Examiner similarly contends that the inventions of Groups II-VI are patentably distinct and that examination of the inventions of these groups would likewise impose serious burden.

Applicant traverses on the grounds that an examination of the inventions of all six groups with respect to SEQ ID NOS: 3 and 21 would not impose undue burden. A search of the polypeptides of SEQ ID NOS: 3 and 21 would not impose serious burden because the amino acid sequence set forth in SEQ ID NO: 21 is a portion of the sequence set forth in SEQ ID NO: 3, and therefore a search of SEQ ID NO: 3 would necessarily encompass a search of SEQ ID NO: 21. Likewise, an examination of the inventions of Groups II and VI, which relate to the amino acid sequence set forth in SEQ ID NO: 21, would not require an undue search burden.

Applicant also contends that an examination of the inventions of Groups I and II, drawn to methods and products, respectively, would not impose serious burden as an examination of Group I would largely overlap with a search of the products of Group II.

In response to the election of species requirement, Applicant elects with traverse to have the examination directed to polypeptides comprising a sequence identical to or related to SEQ ID NO: 3.

To expedite prosecution, Applicant has canceled the claims other than Group I and has amended the claims of Group I to refer to SEQ ID NO: 3, and to polypeptides produced by expression of the nucleic acid of SEQ ID NO: 5 (including SEQ ID NO: 21). Amendments to the claims are made solely to expedite prosecution. Applicant reserves the right to file a continuing application or to take such other appropriate action as deemed necessary to protect the non-elected


inventions and canceled subject matter. Applicant does not hereby abandon or waive any rights in the non-elected inventions or canceled subject matter.

The claims as amended and new claim 123 are supported by the specification and claims as filed. No new matter has been introduced.

In view of the above amendment, applicant believes the pending application is in condition for allowance. Applicant believes no fee is due with this response. However, if a fee is due, please charge our Deposit Account No. 18-1945, under Order No. CWRU-P03-003 from which the undersigned is authorized to draw.

Dated: June 5, 2006

Respectfully submitted,

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